

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

| | | |
|----------------------------------|---|---------------------------|
| ANASTASIA BENJAMIN, |) | |
| |) | |
| Plaintiff, |) | Case No.: |
| |) | |
| vs. |) | PLAINTIFF'S COMPLAINT |
| |) | AND DEMAND FOR JURY TRIAL |
| NATIONAL CREDIT ADJUSTERS, INC., |) | |
| |) | |
| Defendant. |) | |

VERIFIED COMPLAINT

ANASTASIA BENJAMIN, ("Plaintiff"), through the undersigned counsel, ALEX SIMANOVSKY & ASSOCIATES, LLC, alleges the following against NATIONAL CREDIT ADJUSTERS ("Defendant"):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

3. Defendant conducts business in the state of Georgia and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(1).

5. Declaratory relief is available pursuant to 28 U.S.C. 2201 and 2202.

PARTIES

6. Plaintiff is a natural person residing in Marietta, GA.

7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).

8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.

9. Defendant is a national company, with its corporate office located at National Credit Adjusters, 327 W. 4th Street, Hutchinson, Kansas 67501.

10. Defendant, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

11. Defendant constantly and continuously places collection calls to Plaintiff seeking and demanding payment for the alleged debt.

12. Defendant calls Plaintiff from telephone number 1-800-542-1048 seeking and demanding payment for the alleged debt.

13. Defendants accused Plaintiff of committing a crime and threatened to charge Plaintiff with check fraud.

14. Defendants did not send Plaintiff a validation letter.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

15. Defendant violated the FDCPA based on the following:

a.) Defendant violated §1692d of the FDCPA by engaging in conduct the natural

consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.

b.) Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.

c.) Defendant violated §1692c(a)(1) of the FDCPA by communicating with Plaintiff at such place and time known or which should have been known to be inconvenient to Plaintiff.

WHEREFORE, Plaintiff, ANASTASIA BENJAMIN, respectfully requests judgment be entered against Defendants, NATIONAL CREDIT ADUSTERS, INC., for the following:

- a. Declaratory judgment that Defendant's conduct violated the Fair Debt Collection Practices Act,
- b. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
- c. Actual damages,
- d. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
- e. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, ANASTASIA BENJAMIN, demands a jury trial in this case.

[ELECTRONIC SIGNATURE AFFIXED ON NEXT PAGE]

This 16TH day of January, 2013.

ALEX SIMANOVSKY & ASSOCIATES LLC

/s/ Alex Simanovsky

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